

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DOUGLAS M. MARTIN,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, *et al.*,

Defendants.

Case No.: 1:23-cv-00822-JLT-SAB (PC)

ORDER CONSTRUING PLAINTIFF'S
NOTICE REGARDING SETTLEMENT
PAYMENT AS MOTION TO ENFORCE
SETTLEMENT
(ECF No. 43)

ORDER DENYING PLAINTIFF'S MOTION
TO ENFORCE SETTLEMENT
(ECF No. 43)

Plaintiff Douglas M. Martin ("Plaintiff") is a state prisoner who proceeded *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On June 3, 2024, a settlement conference was held before the undersigned. The case was settled and the parties were directed to file dispositive documents. (ECF Nos. 38, 39.)

On June 6, 2024, Plaintiff and counsel for Defendants filed a stipulation to dismiss Defendants this action, with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). (ECF No. 41.) The action was then closed. (ECF No. 42.)

On December 16, 2024, Plaintiff filed a letter to the Court, which was docketed as a notice regarding settlement payment, indicating that Defendants had agreed to pay him a total of \$2,500.00 and had not done so by the agreed deadline. (ECF No. 43.) The Court construed the letter as a motion to enforce the settlement agreement and directed Defendants to file a response

1 within twenty-one days. (ECF No. 44.)

2 Defendants filed a response on January 2, 2025, indicating that the California Department
3 of Corrections and Rehabilitation (“CDCR”) confirmed that payment of Plaintiff’s settlement
4 amount was made on December 4, 2024. (ECF No. 45.) However, at the time of the payment,
5 Plaintiff owed a restitution debt of \$35,078.09. As the agreed upon settlement amount was less
6 than Plaintiff’s restitution debt, the entirety of Plaintiff’s settlement amount was applied towards
7 his restitution, pursuant to California Penal Code Section 2085.8 and the Settlement Agreement
8 and Release signed by Plaintiff on June 3, 2024. (*Id.*)

9 In light of Defendants’ response indicating that payment was made in full and applied
10 towards Plaintiff’s restitution debt, it appears that CDCR has disbursed the settlement proceeds to
11 Plaintiff in accordance with the terms of the settlement agreement.

12 Accordingly, IT IS HEREBY ORDERED as follows:

- 13 1. Plaintiff’s notice regarding settlement payment, (ECF No. 43), is CONSTRUED as a
14 motion to enforce settlement;
- 15 2. Plaintiff’s motion to enforce settlement, (ECF No. 43), is DENIED; and
- 16 3. This case remains closed.

17
18 IT IS SO ORDERED.

19 Dated: January 3, 2025

/s/ Barbara A. McAuliffe
20 UNITED STATES MAGISTRATE JUDGE